IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 174/2007

KAPTAN Vs. STATE OF RAJASTHAN

DATE: 15.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.K. Gupta for the petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 05.02.2007 passed by the Additional Chief Judicial Magistrate (Jr. Division), Karauli in FIR No. 12/2007, by which he dismissed the application filed by the petitioner under Section 451, 457 Cr.P.C. for 'Supurdgi' of the tractor and its trolley.

Learned counsel for the petitioner placed reliance on the judgment rendered by this Court in the case of **Nanda Vs. State of Rajasthan, reported in 2004 WLC(Raj.)UC 608,** wherein custody of tractor carrying stones in contravention of provisions of Forest Act directed to be delivered along with trolley to the petitioner on supardgi on furnishing a personal bond in

the sum of Rs. 1 lac along with a surety in the same amount with the condition that he will not transfer or alienate the same and no change shall be made in its condition and further he will produce it as and when ordered by the trial Court.

I have considered the rival submissions of the respective parties and have also carefully perused the order impugned dated 05.02.2007, by which 'Supurdgi' of the tractor and its trolley is refused.

The tractor in question was carrying about 35 Quintal of wood in trolley, which is of course contrary to the provisions of the Forest Act and the tractor and trolley both were seized along with wood.

Looking to the facts that the petitioner is an agriculturist and the tractor is required for agricultural purposes, in such circumstances, it is ordered that the tractor bearing No. UP-85/F-2995 along with its trolley shall be delivered to the petitioner on 'Supurdgi' on furnishing a personal bond in the sum of Rs. 2 lacs along with a surety in the like amount with the condition that he will not transfer or alienate the tractor and its trolley and no change shall be made in its condition and further the petitioner will produce the same as and when required by the trial Court.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

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